LORI L. WILSON,	:	IN THE COURT OF COMMON PLEAS OF
	:	
Plaintiff,	:	FAYETTE, COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL DIVISION
	:	
MENU FOODS LIMITED, a foreign corporation,	:	NO. 1098 OF 2007, G.D
	:	
	:	HONORABLE JUDGE JOHN F. WAGNER, JR.
Defendant.	:	

CERTIFICATE OF PRESENTATION

1. The undersigned, James T. Davis, Esquire, represents, LORI L. WILSON, the moving party herein.

2. The attached motion will be presented in Motions Court on Thursday, June 28, 2007, at 9:00 o'clock A.M.

3. The attached motion shall be classified as an PRIORITY motion.

4. Judge John F. Wagner, Jr. has been assigned to this case.

5. The SPECIFIC citation for the Court's authority to grant the relief requested is Pennsylvania Rules of Civil Procedure 2229(a).

6. Estimated time for hearing or argument to resolve the motion on its merits is ten (10) minutes.

Respectfully submitted,

DAVIS & DAVIS

BY ______________________
James T. Davis, Esquire
Attorney for Plaintiff

Date: June 25, 2007

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LANCE WINTERKALTER
PROTHONOTARY

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CERTIFICATE OF SERVICE

I do hereby certify that I am this day serving the within Motion For Leave of Court To Amend Complaint upon the following counsel of record and in the manner indicated below:

Service by facsimile and first class mail:

Lynn E. Bell, Esquire
DAVIES, McFARLAND & CARROLL, P.C.
The Tenth Floor, One Gateway Center
Pittsburgh, PA 15222-1416
(412)281-0737
Fax - (412) 261-7251
Attorneys for Defendant

DAVIS & DAVIS

BY ______________________
James T. Davis, Esquire
Attorney for Plaintiff

Date: June 25, 2007

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IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION

LORI L. WILSON,	:	
Plaintiff,	:	
vs.	:	
MENU FOODS LIMITED, a foreign corporation,	:	NO. 1098 2007, G.D.
Defendant.	:	HONORABLE JUDGE JOHN F. WAGNER, JR.

MOTION FOR LEAVE OF COURT TO AMEND COMPLAINT

AND NOW, comes the Plaintiff, Lori Wilson, by and through her attorney, James T. Davis, Esquire, of Davis & Davis, tendering the immediate Motion For Leave of Court to Amend Complaint, and in support thereof avers the following:

1. On April 10, 2007, Plaintiff filed a Complaint at the above-captioned matter alleging inter alia, that her cat, Faith was poisoned by food produced by the Defendant.

2. Subsequent to the filing of the Complaint, Plaintiff's counsel has received numerous inquiries of similarly situated owners of pets who have fallen seriously ill or have died as a result of the pet food manufactured by the Defendant.

3. To date, counsel for the Defendant has not filed a responsive pleading to the original Complaint.

4. The proposed Plaintiff class is representative of the Plaintiff's claims in the above-captioned matter.

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5. The class is so numerous that joinder of all members is impractical. There are more than sixty-two (62) Plaintiffs who are potential members of the class.

6. There are numerous questions of law and fact common to all members of the class, including but not limited to, all of the Plaintiffs have a cat or dog that has fallen seriously ill or has died after consuming a brand of pet food manufactured by the Defendant.

7. The claims of and defenses against the proposed representative Plaintiffs are typical of those of the class. With the exception of damages issues, the claims of and defenses against each class member are identical to those of each other member of the class.

8. The representative Plaintiffs will adequately represent the interests of the class.

9. The attorneys for the class representative are experienced in class action litigation and will adequately represent the interests of the class.

10. The class representative has no conflict of interest with the class.

11. The class representative has adequate financial resources to assure that the interests of the class will not be harmed.

12. Maintenance of this action as a class action is a fair and efficient method of adjudicating the controversy.

13. Common issues of liability predominate over individual issues of damages.

14. No unusual difficulties are expected in the maintenance of this action as a class action.

15. Prosecution of separate actions by individual members of the class would create a risk of adjudication with respect to some members of the class that could as a practical matter be dispositive of the claims of other members and impede their ability to obtain relief.

16. This forum is appropriate and, in fact, is the only available forum for the litigation of the claims of the entire class.

17. The claims may be insufficient in amount to support separate actions in view of the complexities and expenses involved in seeking relief.

18. The anticipated recovery for each class member is sufficiently large in relation to the expense and effort of administration so as to justify this class action.

19. Pa.R.C.P. No. 2229 (a) states, "[P]ersons may join as plaintiffs who assert any right to relief jointly, severally, separately or, in the alternative, in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences if any common question of law or fact affecting the rights to relief of all such persons will arise in the action."

20. Plaintiff believes and therefore avers that she can sustain her burden of establishing Class allegations in support of the prerequisites under Pa. R.C.P. 1702 upon which all similarly situated Plaintiffs rely and further substantiate the criteria under Pa. R.C.P. 1708 - 1709 upon which Plaintiffs rely.

WHEREFORE, Plaintiff, Lori L. Wilson, respectfully moves your Honorable Court for an Order permitting her to amend her Complaint to include the additional Plaintiffs, Donald Stimmel and Delores Stimmel, his wife, and Ruth Beal, on behalf of themselves and all others similarly situated, and to add an additional Count titled, "Class Allegations In Support of Prerequisites Of Pa. R.C.P. 1702 Upon Which Plaintiffs Rely and the Criteria Under Pa. R.C.P. 1708 - 1709 Upon Which Plaintiffs Rely."

Respectfully submitted,

DAVIS & DAVIS

James T. Davis, Esquire
Attorney For Plaintiff

Date: June 25, 2007